

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

SERVED BY: Eastleigh Borough Council ("the Council")

To: Shaun Goddard
64 Chiltern Crescent
Fair Oak
Eastleigh
SO50 7GJ

1. THIS NOTICE

THIS NOTICE ("Notice") is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex to this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land on the west side of Shamblehurst Lane North, Hedge End, Southampton (commonly referred to as Shamblewood) as shown edged in red on the plan attached to this Notice ("the Plan").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a bike park.

4. REASONS FOR ISSUING THIS NOTICE

- (1) It appears to the Council that the above breach of planning control has occurred within the last 10 years and steps should be taken to remedy the breach in accordance with s.174(4) of the above Act.
- (2) The Land lies within designated countryside and a settlement gap where policies seek to protect the intrinsic character of the rural area. The unauthorised use and ancillary development is considered unacceptably harmful to the open character and natural setting of the countryside and strategic gap. The ancillary development and structures upon the Land, owing to their layout, extent and design, represent an unjustified form of development and are contrary to the requirements of Policies S5, S6 and DM1 of the Eastleigh Borough Local Plan 2016-2036, and Paragraphs 135 and 187 of the National Planning Policy Framework.
- (3) It has not been demonstrated that the use of the Land does not generate noise, light or traffic that is detrimental to the local amenity and that the local road network can safely accommodate. This includes an assessment of the access to the Land to ensure safety for vehicles and other road users.

- (4) The excavation of land to create drainage channels to a watercourse constitutes an engineering operation for which planning permission has not been granted. The local planning authority has been unable to assess whether water discharged from the land into the watercourse has been adequately filtered and is free from contamination nor an assessment of the impact of the discharge on local hydrology (i.e. how it will impact conditions on neighbouring land, including impact on any watercourses). The use is contrary to policy DM5 of the Eastleigh Borough Council Local Plan 2016-2036 because the Land is located within a flood zone and it has not been demonstrated that the use complies with the policy requirements and will not increase flood risk.
- (5) The Local Planning Authority has not been provided information to demonstrate that the development would not have a detrimental impact upon arboricultural features in the proximity of the site which provide significant amenity value and contribute positively to the character of the area, contrary to the provisions of Policy DM1 of the Eastleigh Borough Local Plan 2016-2036, Paragraph 136 of the NPFF, and the Council's adopted Trees and Development Supplementary Planning Document.

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the use of the Land as a bike park.
- ii. Remove the office building, track, trail jumps, ramps, runs, tyres, boxes and other structures and items associated with bike activities from the Land.
- iii. Restore the levels of the Land to adjacent land levels by backfilling the manmade trenches.

6. TIME FOR COMPLIANCE

2 months after this notice takes effect.

You must comply with steps (i) to (iii) above in full by the end of a period of 2 months following the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28 August 2026 unless an appeal is made against it beforehand.

Date of Issue: 22 July 2026

Signed: 

Head of Legal Services (Deputy Monitoring Officer)

On behalf of: Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire, SO50 9YN

Nominated Officer: John Saunders

Telephone Number: 02380 688 038

ANNEX

THE RIGHT OF APPEAL

There is a right of appeal for anyone who has a legal or equitable interest in the land to which this Notice relates or who is a relevant occupier, whether or not they have been served with a copy of the notice. Any appeal must be in writing and received (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received) by the Planning Inspectorate acting on behalf of the Secretary of State before 28 August 2026. The enclosed information sheet published by the Planning Inspectorate provides details of how to make an appeal.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal against this enforcement notice is not received, it will take effect on 28 August 2026 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- a) In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) Those matters have not occurred;
- c) Those matters (if they have occurred) do not constitute a breach of planning control;
- d) At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) Copies of the Enforcement Notice were not served as required by section 172 of the TCPA 1990;
- f) The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach;

- g) Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground (a) – that planning permission should be granted for the unauthorised development or use – a fee of £1402.00 is payable to the Council when the appeal is lodged. If this fee is not paid, that ground of appeal will not be valid and will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

RECIPIENTS OF THIS NOTICE

The names and addresses of all the persons on whom this Notice has been served are:

SHAUN GODDARD
64 Chiltern Crescent
Fair Oak
Eastleigh
SO50 7GJ

ANTHONY PHILPOTT
Inshallah
Whinwhistle Road
East Wellow
Romsey
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SO51 6BH

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